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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER
FOUD, HICHAM B.

ART UNIT	PAPER NUMBER
2619	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/656,764	MOSIG, RUDIGER	
	Examiner	Art Unit	
	Hicham B. Foud	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-16 and 27-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-16 and 27-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 09-06-2007 has been entered and considered.

Claims 11-16 and 27-43 are pending in this application.

Claims 1-10 and 17-26 have been canceled.

Claims 33-43 are new added claims.

Claims 11-16 and 27-43 are rejected as discussed below.

Claim Objections

2. Claims 11-16, 27-43 are objected to because of the following informalities:

For claims 11-16, 27-43, terms that already mentioned either in the same claim or depending claims, have to be preceded by either "said" or "the" if they refer back to the same term, such as claim 11 line 7; the term "a time-stamped media packet" seems to refer back to " time-stamped media data packet" mentioned in line 5. If so, the second term needs to be changed to "the time-stamped media data packet".

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-13, 16, 27-29 and 32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains

subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For claims 11-13 and 27-29, the claim recites, "adding the determined play-out time offset to a current time". However, in the specification the common play-out time is determined by adding the play-out time offset to the timestamp of the media packet and not to a current time. And further in claim 12, it is not known if the current time is calculated in respect of global time or sample clock.

For claims 16 and 32, besides having same problem as claims 11 and 27, it seems that the claims recite two different embodiments; the first embodiment is when the source media computes the common play-out and the second when that common play-out is computed by the media sinks. By combining two different embodiments into one claim, the applicant creates a subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> **The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

Claims 12, 16, 28, 32 and 33-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 12 and 28, the recitation "calculating said current time by reading a global wallclock only once and adding time periods given by said sample clock to the

read global wallclock time" is vague and indefinite because it is not known how the current time is calculated and what the relationship of the current time to both global wallclock and sample clock.

For claims 16 and 32, the applicant recites two different ways to determine the common play-out time at the sender and the receiver sides. The recitation of both ways and connecting them to each other creates confusion and makes the claim indefinite and it is not known the metes and bounds of the claimed invention because if you determine the common play-out time at the sender, why would anyone have to determine it again at the receiver side.

For claim 33, the recitation "a transmission unit configured to send out the play-out time offset to said one or more receiving media sinks **once for** said time-stamped media data packets" is indefinite and confusing because it is no known what the metes and the bounds of the claimed invention.

For claim 34, the last limitation which starts with "a communications unit ...." is vague and indefinite because it is not determine to whom the communications unit will send out the control packets to.

Claims 35-36 are rejected because of their dependency on the rejected claim.

Claims are rejected as best understood;

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 11-13, 27-29, 33-36 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cognet (US 6,801,505) in view of Amaral et al (US 7,031,306) hereinafter is referred to as Amaral .

For claim 11, Cognet discloses a source (see Figure 1, element A) comprising: a determination unit configured to determine a play-out time offset and a common play-out time of data packet by adding the determined play-out time offset to a current time (see column 1 lines 51-54; generating at a given instant T.sub.S a frame whose time stamp T.sub.O is equal to T.sub.S +.delta., where .delta. is a time interval required by the computer equipment between generating a time-stamped frame and sending the last bit thereof); and a sending unit configured to send out time-stamped data packets to one or more receiving sinks, a timestamp of a time-stamped data packet indicating the common play-out time of the data packet (see Figure 1, elements B, C and D are receiving sinks and column 1 lines 55-56; sending said time-stamped frame as generated at the instant T.sub.S with timestamp T.sub.O). Cognet discloses all the subject matter with the exception of wherein the data packets are media data packets. However, Amaral discloses a method wherein the data packets are media data packets (MPEG) that have a play-out scheduled based on timing information (timestamp) (see column 2 lines 5-12). Thus, it would have been obvious to the one skill in the art at the time of the invention to use media data packets instead of regular data packets for the purpose of communicating real time packets and/or voice packets.

For claim 12, Cognet further discloses: a sample clock configured to determine a sample clock time (see column 4 lines 7-8; the real time clock RTC); and a calculation unit configured to calculate said current time by reading a global wallclock time only once and adding time periods given by said sample clock to the read global wallclock time (see column 4 lines 9-11;RTC can be synchronized by GPS (global wallclock time) periodically (only once in a period)).

For claim 13, Cognet and Amaral further discloses: wherein the sending unit is further configured to send out media data packets to two or more different receiving media sinks (see Cognet: Figure 1, elements B, C and D are receiving sinks). Cognet and Amaral disclose all the subject matter with the exception of explicitly showing the sending the same media data packets to two or more receiving sinks. However, an official notice is taken in that sending same data packets to two or more receivers is known method that's called multicasting wherein the sender sends same data to two or more receivers at the same time. Thus, it would have been obvious to the one skill in the art at the time of the invention to use the multicasting method of sending data packets to two or more receivers into the system of Cognet and Amaral for the purpose of enhancing convenience and increasing the efficiency of the system.

Claims 27-29 are rejected for same reasons as claims 11-13, respectively.

For claim 33, Cognet discloses a source comprising: a sending unit configured to send out time-stamped data packets to one or more receiving sinks (see Figure 1, elements B, C and D are receiving sinks and column 1 lines 55-56; sending said time-stamped frame as generated at the instant T.sub.S with timestamp T.sub.O), a

timestamp of a time-stamped data packet indicating the time of creation of the time-stamped data packets (see column 1 lines 51-54; generating at a given instant T.sub.S a frame whose time stamp T.sub.O); a determining unit configured to determine a play-out time offset (see column 1 lines 51-54; generating at a given instant T.sub.S a frame whose time stamp T.sub.O is equal to T.sub.S +.delta., where .delta. is a time interval required by the computer equipment between generating a time-stamped frame and sending the last bit thereof); and a transmission unit configured to send out the play-out time offset to said one or more receiving media sinks once for said time-stamped media data packets (see column 1 lines 55-56; sending said time-stamped frame (T.sub.S +.delta); wherein delta is the offset time). Cognet discloses all the subject matter with the exception of wherein the data packets are media data packets. However, Amaral discloses a method wherein the data packets are media data packets (MPEG) that have a play-out scheduled based on timing information (timestamp) (see column 2 lines 5-12). Thus, it would have been obvious to the one skill in the art at the time of the invention to use media data packets instead of regular data packets for the purpose of communicating real time packets and/or voice packets.

For claim 34, Cognet further discloses: a sample clock configured to determine a sample clock time (see column 4 lines 7-8; the real time clock RTC); a global clock configured to determined a global wallclock time (see column 4 line 10; GPS); and a communication unit configured to send out a control packet, said control packet including two control packets timestamps the same moment in time, the first with global wallclock and the second sample clock (see column 4 lines 9-11;RTC can be

synchronized by GPS (global wallclock time) and see line 49-52; there's a controller wherein the RTC is initialized with the value read from the GPS; since controller exists, therefore exchange of control packets must occur for synchronization).

For claim 35, Cognet further discloses wherein the sending unit is further configured such that said timestamp indicates the time of creation of the packets in time units of said sample clock time (see column 4 lines 7-9; frames are sent using the RTC).

Claim 36 is rejected for same reasons as claim 13.

Claims 40-43 are rejected for same reasons as claim 33-36.

6. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amaral et al (US 7,031,306) hereinafter is referred to as Amaral in view of Schuster et al (US 6,360,271) hereinafter is referred to as Schuster.

For claim 38, Amaral discloses all subject matter without explicitly disclosing the receiving unit receiving a control packet, said control packet including two control packets timestamped at the same moment in time, the first with global wallclock and the second with sample clock and a conversion unit configured to convert a time indicated by a timestamp of the sample clock into time of the global wallclock time. However, Schuster discloses a method wherein the receiving end includes a second time signal (global wallclock time) synchronized with the first time signal (sample clock) that is been used at the transmitting end (for both signals to be synchronized, control packets has to be exchanged or otherwise how can they be synchronized) and also the play-out will be in response to the second clock signal (global wallclock time). Therefore, the first time signal has to be converted to the second time signal to determine the play-out time (see

column 8 lines 17-28). Thus, it would have been obvious to the one skill in the art at the time of the invention to use the method of Schuster into the system of Amaral for the purpose of synchronization of the different clocks.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 14-15, 30-31, 37 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Amaral (US 7,031,306).

For claim 14, Amaral discloses a media sink comprising: a receiving unit configured to receive time-stamped media data packets (see column 2 lines 6-7; receiving data packets); and a determining unit configured to determine a global wallclock time (see column 2 lines 8-10; determining the play-out schedule for data packets based on timing information in the data packets) and a common play-out time for each received time-stamped media data packet, the common play-out time indicated by a timestamp of the time-stamped media data packet (see column 2 lines 15-17; the play-out schedule may control the play-out at times that correspond to the timestamps).

For claim 15, Amaral further discloses a buffer configured to store the media data packets until said common play-out time is reached (see column 2 lines 7-10; storing the data packets in a buffer, determining a play-out schedule).

Claims 30-31 are rejected for same reasons as claims 14-15, respectively.

Claim 37 is rejected for same reasons as claim 14-15 combined.

Claim 39 is rejected for same reasons as claim 15.

Response to Arguments

8. Applicant's arguments with respect to claims 11-16 and 27-43 have been considered but are moot in view of the new ground(s) of rejection.

The claims 16 and 32 are so vague to the point that any meaningful comparison between it and the prior art is not possible at this point.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

10. Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of. the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is

respectfully requested to indicate the portion(s) of the specification which.dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

When responding to this office action, applicants are advised to clearly point out the patentable novelty which they think the claims present in view of the state of the art disclosed by the references cited or the objections made. Applicants must also show how the amendments avoid such references or objections. See 37C.F.R 1.111(c). In addition, applicants are advised to provide the examiner with the line numbers and pages numbers in the application and/or references cited to assist examiner in locating the appropriate paragraphs.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hicham B. Foud whose telephone number is 571-270-1463. The examiner can normally be reached on Monday - Thursday 10-3 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HF

Hicham Foud
11/08/2007

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600